

**Tri-Valley Regional Occupational Center/Program
Board Policies and Administrative Regulations**

SERIES 3000 — BUSINESS AND NON-INSTRUCTIONAL OPERATIONS

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Business and Noninstructional Operations

Budget

The Governing Board recognizes its critical responsibility for adopting a sound budget for each fiscal year which is aligned with the district's vision, goals, and priorities. The district budget shall guide administrative decisions and actions throughout the year and shall serve as a tool for monitoring the fiscal health of the district.

The district budget shall show a complete plan and itemized statement of all proposed expenditures and all estimated revenues for the following fiscal year, together with a comparison of revenues and expenditures for the current fiscal year. The budget shall also include the appropriations limit and the total annual appropriations subject to limitation as determined pursuant to Government Code 7900-7914. (Education Code 42122)

Budget Development and Adoption Process

The Superintendent or designee shall establish an annual budget development process and calendar in accordance with the single budget adoption process described in Education Code 42127(i). He/she shall annually notify the County Superintendent of Schools of the district's decision to use the single budget adoption process in the subsequent year.

In order to provide guidance in the development of the budget, the Board shall annually establish budget priorities based on identified district needs and goals and on realistic projections of available funds.

The Superintendent or designee shall oversee the preparation of a proposed district budget for approval by the Board and shall involve appropriate staff in the development of budget projections.

The Board encourages public input in the budget development process and shall hold public hearings and meetings in accordance with Education Code 42103 and 42127.

The budget that is formally adopted by the Board shall be in the format prescribed by the Superintendent of Public Instruction. The Superintendent or designee may supplement this format with additional information as necessary to effectively communicate the budget to the Board, staff, and public.

Business and Noninstructional Operations

Budget

Budget Criteria and Standards

In developing the district budget, the Superintendent or designee shall analyze criteria and standards adopted by the State Board of Education which address estimation of funded average daily attendance (ADA), projected enrollment, ratio of ADA to enrollment, projected revenue limit, salaries and benefits, other revenues and expenditures, facilities maintenance, deficit spending, fund balance, and reserves. The budget review shall also identify supplemental information regarding contingent liabilities, use of one-time revenues for ongoing expenditures, use of ongoing revenues for one-time expenditures, contingent revenues, contributions, long-term commitments, unfunded liabilities, and the status of labor agreements. (Education Code 33127, 33128, 33129; 5 CCR 15440-15451)

The Board shall establish and maintain a general fund reserve for economic uncertainty that meets or exceeds the requirements of law. (Education Code 33128.3; 5 CCR 15450)

The Board may establish other budget assumptions or parameters which may take into consideration the stability of funding sources, legal requirements and constraints on the use of funds, anticipated increases and/or decreases in the cost of services and supplies, categorical program requirements, and any other factors necessary to ensure that the budget is a realistic plan for district revenues and expenditures.

(cf. 2210 - Administrative Discretion Regarding Board Policy)

(cf. 3110 - Transfer of Funds)

Fund Balance

The district shall classify fund balances in compliance with Governmental Accounting Standards Board (GASB) Statement 54, as follows:

1. Nonspendable fund balance includes amounts that are not expected to be converted to cash, such as resources that are not in a spendable form (e.g., inventories and prepaids) or that are legally or contractually required to be maintained intact.
2. Restricted fund balance includes amounts constrained to specific purposes by their providers or by law.
3. Committed fund balance includes amounts constrained to specific purposes by the Board.

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For this purpose, all commitments of funds shall be approved by a majority vote of the Board. The constraints shall be imposed no later than the end of the reporting period of June 30, although the actual amounts may be determined subsequent to that date but prior to the issuance of the financial statements.

4. Assigned fund balance includes amounts which the Board or its designee intends to use for a specific purpose.

The Board delegates authority to assign funds to the assigned fund balance to the Superintendent or designee and authorizes the assignment of such funds to be made any time prior to the issuance of the financial statements.

5. Unassigned fund balance includes amounts that are available for any purpose.

When multiple types of funds are available for an expenditure, the district shall first utilize funds from the restricted fund balance as appropriate, then from the committed fund balance, then from the unassigned fund balance, and lastly from the unassigned fund balance.

To protect the district against unforeseen circumstances such as revenue shortfalls and unanticipated expenditures, the Board intends to maintain a minimum unassigned fund balance which includes a reserve for economic uncertainties equal to at least two months of general fund operating expenditures, or 17 percent of general fund expenditures and other financing uses.

If the unassigned fund balance falls below this level due to an emergency situation, unexpected expenditures, or revenue shortfalls, the Board shall develop a plan to recover the fund balance which may include dedicating new unrestricted revenues, reducing expenditures, and/or increasing revenues or pursuing other funding sources.

Long-Term Financial Obligations

The district's current-year budget and multi-year projections shall include adequate provisions for addressing the district's long-term financial obligations, including, but not limited to, long-term obligations resulting from collective bargaining agreements, financing of facilities projects, unfunded or future liability for retiree benefits, and accrued workers' compensation claims.

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The Board shall approve a plan for meeting the district's long-term obligations to fund nonpension, other postemployment benefits (OPEBs). This plan shall include a specific funding strategy and the method that will be used to finance the district's annual fiscal obligations for such benefits in a manner that continually reduces the deficit to the district to the extent possible. The Board reserves the authority to review and amend the funding strategy as necessary to ensure that it continues to serve the best interests of the district and maintains flexibility to adjust for changing budgetary considerations.

When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of OPEBs, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve a sufficient amount of money in its budget to fund the present value of the benefits of existing retirees and/or the future cost of employees who are eligible for benefits in the current fiscal year. (Education Code 42140)

When the Superintendent or designee presents a report to the Board on the estimated accrued but unfunded cost of workers' compensation claims, the Board shall disclose, as a separate agenda item at the same meeting, whether or not it will reserve in the budget sufficient amounts to fund the present value of accrued but unfunded workers' compensation claims or if it is otherwise decreasing the amount in its workers' compensation reserve fund. The Board shall annually certify to the County Superintendent the amount, if any, that it has decided to reserve in the budget for these costs. The Board shall submit to the County Superintendent any budget revisions that may be necessary to account for this budget reserve. (Education Code 42141)

Budget Amendments

Whenever revenues and expenditures change significantly throughout the year, the Superintendent or designee shall recommend budget amendments to ensure accurate projections of the district's net ending balance. When final figures for the prior-year budget are available, this information shall be used as soon as possible to update the current-year budget's beginning balance and projected revenues and expenditures.

In addition, budget amendments shall be submitted for Board approval when the state budget is adopted, collective bargaining agreements are accepted, district income declines, increased revenues or unanticipated savings are made available to the district, program proposals are significantly different from those approved during budget adoption, interfund transfers are needed to meet actual program expenditures, and/or other significant changes occur that impact budget projections.

Business and Noninstructional Operations

Budget

Legal References:

EDUCATION CODE

1240 Duties of county superintendent of schools
33127-33131 Standards and criteria for local budgets and expenditures
35035 Powers and duties of superintendent
35161 Powers and duties, generally, of governing boards
42103 Public hearing on proposed budget; requirements for content of proposed budget
42122-42129 Budget requirements
42130-42134 Financial certifications
42140-42141 Disclosure of fiscal obligations
42602 Use of unbudgeted funds
42605 Tier 3 categorical flexibility
42610 Appropriation of excess funds and limitation thereon
44518-44519.2 Chief business officer training program
45253 Annual budget of personnel commission
45254 First year budget of personnel commission

GOVERNMENT CODE

7900-7914 Appropriations limit

CODE OF REGULATIONS, TITLE 5

15060 Standardized account code structure
15440-15451 Criteria and standards for school district budgets

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Governance: Budget Planning and Adoption, 2006
Maximizing School Board Governance: Understanding District Budgets, 2006
School Finance CD-ROM, 2005

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual
New Requirements for Reporting Fund Balance in Governmental Funds, January 7, 2011

FISCAL CRISIS AND MANAGEMENT ASSISTANCE TEAM PUBLICATIONS

Fiscal Oversight Guide for AB 1200, AB 2756 and Subsequent Related Legislation, September 2006

GOVERNMENT FINANCE OFFICERS ASSOCIATION

Best Practice: Appropriate Level of Unrestricted Fund Balance in the General Fund, 2009

GOVERNMENTAL ACCOUNTING STANDARDS BOARD STATEMENTS

Statement 54, Fund Balance Reporting and Governmental Fund Type Definitions, March 2009

Business and Noninstructional Operations

Budget

Legal References: (Continued)

Statement 45, Accounting and Financial Reporting by Employers for Post-employment Benefits Other Than Pensions, June 2004

Statement 34, Basic Financial Statements and Management's Discussion and Analysis - For State and Local Governments, June 1999

Policy

Adopted: September 14, 2011

TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM

Livermore, CA

Business and Noninstructional Operations

Budget

Initial Budget Adoption

On or before July 1 of each year, the Board shall adopt a budget which adheres to the state's standardized account code structure (SACS) as prescribed by the Superintendent of Public Instruction (SPI). (Education Code 42126, 42127)

Before adopting the district budget for the subsequent fiscal year, the Board shall hold a public hearing. The agenda for this hearing shall be posted at least 72 hours before the hearing and shall indicate the location where the budget may be inspected. The proposed budget shall be available for public inspection at least three working days before this hearing. (Education Code 42103, 42127)

The Superintendent or designee shall notify the County Superintendent of Schools of the location, dates, and times at which the proposed budget may be inspected, as well as the location, date, and time of the public hearing, in sufficient time for the County Superintendent to publish such information in a newspaper of general circulation at least 10 days but not more than 45 days before the hearing.

During the hearing, any district resident may speak to the proposed budget or to any item in the budget. The hearing may conclude when all residents who have requested to be heard have had the opportunity to speak. (Education Code 42103)

The Superintendent or designee shall file the adopted budget with the County Superintendent no later than five days after adoption or by July 1, whichever occurs first. The budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

Revised Budget

No later than 45 days after the Governor signs the annual Budget Act, the Superintendent or designee shall make available for public review any revisions in budgeted revenues and expenditures which are consequently necessary. (Education Code 42127)

If the County Superintendent disapproves the district's budget, the Board shall review and respond to his/her recommendations at a public meeting on or before September 8. The response shall include any revisions to the adopted budget and any other proposed actions to be taken as a result of those recommendations. (Education Code 42127)

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Budget

The revised budget and supporting data shall be maintained and made available for public review. (Education Code 42127)

Budget Review Committee for Disapproved Budgets

If the district's revised budget is disapproved by the County Superintendent, the budget shall be reviewed by a budget review committee, unless the Board and County Superintendent agree to waive the requirement and the California Department of Education accepts the waiver. (Education Code 42127)

This committee shall consist of either: (Education Code 42127.1, 42127.2)

1. Three persons selected by the Board from a list of candidates provided by the SPI, who shall be selected within five working days after receiving the list of candidates
2. A regional review committee convened by the County Superintendent with the approval of the Board

If the budget review committee recommends disapproval of the district budget, the Board may submit a response no later than five working days after receipt of the committee's report. The response may include any revisions to the adopted final budget and any other proposed actions to be taken as a result of the committee's recommendations. (Education Code 42127.3)

If the SPI disapproves the district budget after reviewing the committee's report and the district's response, the Board shall consult with the County Superintendent as he/she develops and adopts, by November 30, a fiscal plan and budget that will allow the district to meet its financial obligations. For the current fiscal year, the district shall operate in accordance with the budget adopted by the County Superintendent. (Education Code 42127.3)

Until the district receives approval of its budget, it shall continue to operate either on the basis of the prior year's budget or on the basis of the current year's unapproved budget as adopted and revised by the Board, whichever budget contains a lower total spending authority. (Education Code 42127.4)

Regulation

Approved: September 14, 2011

TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM

Livermore, CA

PLANNING OF BUDGET

The preparation of the yearly budget shall be the responsibility of the Director of Operations and Services and administrative personnel as may be delegated for the accumulation of data for final presentation. The needs of the educational program, expansion, maintenance, and operation of facilities shall be the base upon which the budget is determined. Once the base has been established, the administration and the Board shall make such modification of the budget in detail as may be required for the efficient operation of the ROP with available funds.

The preliminary budget report shall contain:

1. A summary of the proposed expenditures in the standard accounting classifications established by the California State Department of Education.
2. Information about the current status and trends of ROP characteristics, such as pupil enrollment, projected revenues and such other matters as they relate to an understanding of the budget.
3. Brief explanations of significant increases and decreases from the preceding budget.

PREPARATION AND ADOPTION OF BUDGET

At the April Board meeting of each year, the Director of Operations and Services shall present a tentative budget for the following school year.

The final budget shall be submitted for Board approval and public hearing at the June meeting and submitted to the County Superintendent of Schools' office by July 1st.

Any special instructions of the Board regarding the budget shall be contained in a resolution signed by the Superintendent or authorized agent, and shall be sent to the County Superintendent with the final budget.

EXPENDITURE PLAN

The budget shall be considered as a controlled expenditure plan for the ensuing year. The Superintendent is hereby authorized to make expenditures and commitments in accordance with and in harmony with the specific regulations of the Board and administrative plans approved by the Board. This same procedure shall be followed with respect to expenditures approved by special Board action.

Legal Reference:

EC 35035 (b), (g)

**Policy
Adopted :**

**TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM
Livermore, California**

ANNUAL OPERATING FUNDS

In accordance with California Education Code 52301 the ROP shall receive, in annual operating funds from each of the participating school districts, an amount per unit of average daily attendance equal to the revenue limit received by such districts for each unit of average daily attendance generated in the regional occupational program.

Legal Reference:
EC 52301

**Policy
Adopted :**

**TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM
Livermore, California**

FEDERAL FUNDS

Participation in Federal programs designed to assist education will be considered for the ROP on the basis of the following criteria:

1. The proposal must be consistent with the ROP's goals and philosophy.
2. The proposal must provide educational opportunities for students not otherwise possible.
3. The proposal must require funds not otherwise available through the ROP budget to enhance or improve the existing ROP educational program.
4. The proposal must guarantee maximum local control and Board determination in the expenditure of funds as well as control of the project by the ROP.
5. Proposals involving matching or partially matching funds will be accepted only insofar as the ROP's financial ability permits.
6. Proposals must include detailed plans for specific projects, including description of the project, objectives, personnel involved, additional equipment or supplies required and evaluation procedures to be followed.

All applications for consideration by the Board shall be submitted to members of the Board for review and discussion at the earliest date possible prior to a decision regarding participation.

TUITION

In accordance with provisions of the Education Code, the ROP operates within the framework of public education in the State of California, and no tuition shall be charged to students attending ROP courses.

Materials Fees

Secondary Students

Textbooks, supplementary books and supplies used in classroom instruction shall be provided to students at no charge. Materials prepared by students which become their property at the conclusion of the course (notebooks, workbooks, other materials, mechanical drawing plates, etc.) shall be provided by students at their own expenses.

Adults

Supplementary books used in classroom instruction shall be provided to students. Textbooks and supplies shall not be provided.

Legal Reference:

EC 40011
39527

FEES AND CHARGES

The Board of Education desires to furnish books, materials and instructional equipment as needed for the educational program. Because the needs of the district must be met with limited available funds, the Board may charge fees when specifically authorized by law.

The district shall consider the student and parent/guardian's ability to pay when establishing fee schedules and granting exceptions.

*Legal Reference:*EDUCATION CODE

8263	<i>Child care eligibility</i>
8760-8773	<i>Outdoor science and conservation programs</i>
17551	<i>Property fabricated by students</i>
19910-19911	<i>Offenses against libraries</i>
32033	<i>Eye protective devices</i>
32221	<i>Insurance for athletic team member</i>
32390	<i>Fingerprinting program</i>
35330-35332	<i>Excursions and field trips</i>
35335	<i>School camp programs</i>
38080-38085	<i>Cafeteria establishment and use</i>
38119	<i>Lease of personal property; caps and gowns</i>
38120	<i>Use of school band equipment on excursions to foreign countries</i>
39807.5	<i>Payment of transportation costs</i>
39837	<i>Transportation of students to places of summer employment</i>
48050	<i>Residents of adjoining states</i>
48052	<i>Tuition for foreign residents</i>
48904	<i>Liability of parent or guardian</i>
49066	<i>Grades, effect of physical education class apparel</i>
49091.14	<i>Prospectus of school curriculum</i>
51810-51815	<i>Community service classes</i>
52612	<i>Tuition for adult classes</i>
60410	<i>Students in classes for adults</i>

GOVERNMENT CODE

6253	<i>Request for copy; fee</i>
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VEHICLE CODE

21113	<i>Public grounds (parking)</i>
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FEES AND CHARGES

CALIFORNIA CONSTITUTION

Article 9, Section 5 Common school system

CODE OF REGULATIONS, TITLE 5

350 *Fees not permitted*

UNITED STATES CODE, TITLE 8

1184 *Foreign Students*

COURT DECISIONS

Driving School Assn of CA v. San Mateo Union HSD (1993) 11 Cal. App. 4th 1513

Arcadia Unified School District v. State Department of Education (1992) 2 Cal 4th 251

Steffes v. California Interscholastic Federation (1986) 176 Cal. App. 3d 739

Hartzell v. Connell (1984) 35 Cal. 3d 899

CTA v. Glendale School District Board of Education (1980) 109 Cal. App. 3d 738

Management Resources:

CDE MANAGEMENT ADVISORIES

1030.97 *Fiscal Management Advisory 97-02: Fees Deposits and Other Charges*

WEB SITES

CDE: <http://www.cde.ca.gov>

FEES AND CHARGES

The TVROCP shall charge only those fees specifically authorized by law. (5 CCR 350)

The following fees and charges are permissible if approved by the TVROCP Joint Powers Governing Board:

1. Insurance for athletic team members, with an exemption for financial hardship (Education Code 32221)
2. Medical, criminal clearance, and fingerprint expenses required by worksites for community classroom and cooperative vocational education.
3. Insurance for medical or hospital service for TVROCP students participating in classroom, field trips and excursions (Education Code 35331)
4. Insurance for medical or hospital service for TVROCP students participating in community classroom and/or cooperative vocational education.
5. Charges for field trips or excursions, principally for transportation or for admission to an event. No pupil shall be prevented from making a field trip or excursion because of the pupil's lack of funds. (EC 35330, 35335)
6. Expenses of students' participation in a field trip or excursion to another state, the District of Columbia or a foreign country, as long as no student is prohibited from making the field trip due to lack of funds (Education Code 35330)
7. Student fingerprinting program (Education Code 32390)
8. School camp programs operated pursuant to Education Code 8760-8773 provided that the fee is not mandatory (Education Code 35335)
9. Personal property of the TVROCP fabricated by students, as long as the cost of the property does not exceed the cost of the materials provided by the TVROCP (Education Code 17551)
10. Home-to-school transportation and transportation between school and regional occupational centers, programs or classes, as long as the fee does not exceed the statewide average nonsubsidized cost per student and so long as exemptions are made for indigent and disabled students (Education Code 39807.5)

FEES AND CHARGES

11. Transportation to and from summer employment programs for youth and adults (Education Code 39837)
12. Transportation to and from community classroom and cooperative vocational education training sites
13. Physical education uniforms
14. Rental or lease of personal property needed for TVROCP purposes, such as caps and gowns used by seniors in graduation ceremonies (Education Code 38119)
15. Deposit for band instruments, music, uniforms and other regalia which school band members take on excursions to foreign countries (Education Code 38120)
16. Governing boards may expend from the general fund of the district any money which is budgeted for community services to establish and maintain community service classes and may charge pupil fees not to exceed the cost of maintaining such classes or may provide instruction in such classes for remuneration by contract, or with contributions or donations of individuals or groups. (EC 51815)
17. Eye safety devices, at a price not to exceed the TVROCP actual costs (Education Code 32033)
18. Actual costs of duplication for copies of public records (Government Code 6253)
19. Actual costs of duplication for reproduction of the prospectus of school curriculum (Education Code 49091.14)
20. Food sold at school subject to free and reduced price meal program eligibility and other restrictions specified in law (Education Code 38084)
21. Fines or reimbursements for lost or damaged TVROCP and partner district's property or damage to library property (Education Code 19910-19911, 48904)
22. Tuition for out-of-state and out-of-country residents (Education Code 48050, 48052, 52613; 8 USC 1184)

FEES AND CHARGES

- 23. Adult education books, materials, and classes as specified in law (Education Code 52612, 60410)
- 24. Child care and development services (Education Code 8263)
- 25. Parking on school grounds (Vehicle Code 21113)

The following fees and charges are specifically authorized by law and are excepted from the general rule prohibiting the imposition of fees:

- 1. A governing board may charge a tuition fee to adults for any class except classes in English and citizenship for foreigners, classes in elementary subjects and classes for which high school credit is granted when taken by a person not holding a high school diploma. (EC 52612)
- 2. In classes for adults, the district may sell such materials as may be necessary for the making of articles by participants. The materials shall be sold at not less than the cost to the district, and any article Page 5 of 5 Reg-5350 12-14-93 made therefrom shall be the property of the person making it. (EC 39527)
- 3. In summer school, the district may charge fees for courses for which no state funds are received.

Legal References:

Education Code

32221, 35330, 35335, 39526, 39527, 39807.5, 39870, 39874, 39876, 40011, 40015, 48904, 51815, 52612, 60070

5 California Code of Regulations

350 Fees Not Permitted

Business and Noninstructional Operations

Sale and Disposal of Books, Equipment and Supplies

When any district-owned instructional materials, equipment, supplies, or other personal property becomes unusable, obsolete, or no longer needed, the Superintendent or designee shall notify the Governing Board, provide an estimated value, and recommend whether the items be sold or disposed of by one of the methods prescribed in law and administrative regulation. Upon approval by the Board, the Superintendent or designee shall arrange for the sale or disposal of these items.

Instructional materials may be considered obsolete or unusable when they:

1. Have been replaced by more recent editions or new materials selected by the Board and have no foreseeable value in other instructional areas
2. Are not aligned with the district's academic standards or course of study
3. Contain information rendered inaccurate or incomplete by new research or technologies
4. Contain demeaning, stereotyping, or patronizing references to any group of persons protected against discrimination by law or Board policy
5. Are damaged beyond use or repair

The Superintendent or designee shall establish procedures to be used when selling equipment for which the federal government has a right to receive all or part of the proceeds. These procedures shall ensure a reasonable amount of competition so as to result in the highest possible revenue.

Legal References (next page)

Business and Noninstructional Operations

Sale and Disposal of Books, Equipment and Supplies

EDUCATION CODE

17540-17542 Sale or lease of personal property by one district to another

17545-17555 Sale of personal property

35168 Inventory, including record of time and mode of disposal

42291.5 Temporary school bus designation

42303 School bus sale to another district

60500-60530 Sale, donation, or disposal of instructional materials

GOVERNMENT CODE

25505 District property; disposition; proceeds

CODE OF REGULATIONS, TITLE 5

3944 Consolidated categorical programs, district title to equipment

3946 Disposal of equipment purchased with state and federal consolidated application funds

UNITED STATES CODE, TITLE 40

549 Surplus property

CODE OF FEDERAL REGULATIONS, TITLE 34

80.32 Equipment acquired under a grant or subgrant

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS

California School Accounting Manual

Standards for Evaluating Instructional Materials for Social Content, 2000

WEB SITES

California Department of Education: <http://www.cde.ca.gov>

School Services of California, Inc.: <http://www.sscal.com>

Business and Noninstructional Operations

Sale and Disposal of Books, Equipment and Supplies**Personal Property**

The district may sell surplus or obsolete district-owned personal property through any of the following methods:

1. The Superintendent or designee may advertise for bids by posting a notice in at least three public places in the district for at least two weeks, or by publishing a notice at least once a week for at least two weeks in a newspaper having a general circulation in the district and, if possible, publishing within the district. The district shall sell the property to the highest responsible bidder or shall reject all bids. (Education Code 17545)

Property for which no qualified bid has been received may be sold, without further advertising, by the Superintendent or designee. (Education Code 17546)

2. The property may be sold by means of a public auction conducted by district employees, employees of other public agencies, or by contract with a private auction firm. Notice related to the auction shall be posted or published as described in item #1 above. (Education Code 17545)
3. The district may sell the property without advertising for bids under any of the following conditions:
 - a. The Governing Board members attending a meeting unanimously agree that the property, whether one or more items, does not exceed \$2,500 in value. (Education Code 17546)
 - b. The district sells the property to agencies of federal, state, or local government, to any other school district, or to any agency eligible under the federal surplus property law (40 USC 484 renumbered 40 USC 549) and the sale price equals the cost of the property plus the estimated cost of purchasing, storing, and handling. (Education Code 17540)
 - c. The district sells or leases the property to agencies of the federal, state, or local government or to any other school district and the price and terms of the sale or lease are fixed by the Board and approved by the County Superintendent of Schools. (Education Code 17542)

Business and Noninstructional Operations

Sale and Disposal of Books, Equipment and Supplies

If the Board members attending a meeting unanimously find that the value of the property is insufficient to defray the costs of arranging a sale, the property may be donated to a charitable organization deemed appropriate by the Board or may be disposed of by dumping. (Education Code 17546)

Pursuant to 34 CFR 80.32, when equipment acquired under a federal grant or subgrant is no longer needed for the original project or program or for other federally supported activities, items with a current per-unit fair market value of less than \$5,000 may be retained, sold, or otherwise disposed of with no further obligation to the awarding federal agency. However, items with a current per-unit fair market value of \$5,000 or more must be retained or sold, and the federal agency has a right to an amount equal to its share of either the current market value of equipment retained or the proceeds from its sale.

Money received from the sale of surplus property shall be either deposited in the district reserve or general fund or credited to the fund from which the original purchase was made. (Education Code 17547)

Instructional Materials

Surplus or undistributed obsolete instructional materials that are usable for educational purposes may be sold by the district, in which case all of the proceeds of the sale shall be available to acquire basic instructional materials, supplemental instructional materials, or technology-based materials. (Education Code 60510, 60510.1, 60521)

Such materials also may be donated to another district, county free library, or other state institution; a United States public agency or institution; a nonprofit charitable organization; or children or adults in California or foreign countries for the purpose of increasing the general literacy of the people. Any organization, agency, or institution receiving obsolete instructional materials donated by the district shall certify to the Board that it agrees to make no charge to any persons to whom it gives or lends these materials. (Education Code 60510, 60511)

At least 60 days before selling or donating surplus or obsolete instructional materials, the Superintendent or designee shall notify the public of the district's intention to do so through a public service announcement on a local television station, in a local newspaper, or by another means he/she believes will most effectively reach the entities described above. The Board shall also permit representatives of these entities and members of the public to address the Board regarding the distribution of these materials.

Business and Noninstructional Operations

Sale and Disposal of Books, Equipment and Supplies

Surplus or undistributed obsolete instructional materials which are unusable or which cannot be distributed as specified above may be disposed of by either of the following: (Education Code 60530)

1. Mutilated so as not to be salable and sold for scrap at the highest obtainable price
2. Destroyed by any economical means, provided that the materials are not destroyed until at least 30 days after the district has given notice to all persons who have filed a request for such notice

Regulation

Approved: September 14, 2011

TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM

Livermore, CA

Expenditures and Purchases

The Governing Board recognizes its fiduciary responsibility to oversee the prudent expenditure of district funds. In order to best serve district interests, the Superintendent or designee shall develop and maintain effective purchasing procedures that are consistent with sound financial controls and that ensure the district receives maximum value for items purchased. He/she shall ensure that records of expenditures and purchases are maintained in accordance with law.

Expending Authority

The Superintendent or designee may purchase supplies, materials, apparatus, equipment, and services up to the amounts specified in Public Contract Code 20111, beyond which a competitive bidding process is required. The Board shall not recognize obligations incurred contrary to Board policy and administrative regulations.

The Board shall review all transactions entered into by the Superintendent or designee on behalf of the Board every 60 days, or at the next regular meeting of the Board. (Education Code 17605)

The Superintendent or designee may authorize an expenditure which exceeds the budget classification allowance against which the expenditure is the proper charge only if an amount sufficient to cover the purchase is available in the budget for transfer by the Board.

District funds shall not be expended for the purchase of alcoholic beverages. (Education Code 32435)

Purchasing Procedures

Insofar as possible, goods and services purchased shall meet the needs of the person or department ordering them at the lowest price consistent with standard purchasing practices. Maintenance costs, replacement costs, and trade-in values shall be considered when determining the most economical purchase price. When price, fitness, and quality are equal, recycled products shall be preferred when procuring materials for use in district schools and buildings.

All purchases shall be made by formal contract or purchase order or shall be accompanied by a receipt. In order to eliminate the processing of numerous small purchase orders, the Superintendent or designee may create a "blanket" or "open" purchase order system for the purchase of minor items as needed from a vendor. He/she shall ensure that the "open" purchase order system details a maximum purchase amount, the types of items that can be purchased under this order, the individuals authorized to approve purchases, and the expiration date of the "open" order.

Expenditures and Purchases

Legal References:

EDUCATION CODE

17604 Delegation of powers to agents; approval or ratification of contracts by governing board

17605 Delegation of authority to purchase supplies and equipment

32370-32376 Recycling paper

32435 Prohibited use of public funds, alcoholic beverages

35010 Control of district; prescription and enforcement of rules

35035 Powers and duties of superintendent

35160 Authority of governing boards

35250 Duty to keep certain records and reports

38083 Purchase of perishable foodstuffs and seasonal commodities

41010 Accounting system

41014 Requirement of budgetary accounting

GOVERNMENT CODE

4330-4334 California made materials

PUBLIC CONTRACT CODE

3410 U.S. produce and processed foods

20111 Contracts over \$50,000; contracts for construction; award to lowest responsible bidder

Policy

TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM

Adopted :

Livermore, California

Revised: September 14, 2011 *(Replaced 3310, Purchasing)*

Business and Non-Instructional Operations

Expenditures and Purchases

Because Tri-Valley ROP is a public agency, it is crucial that staff follow strict guidelines when making purchases.

All purchases require that a Purchase Order (PO) Requisition be completed and submitted to the TVROP Business and Personnel Services Office for pre-approval prior to making a purchase commitment. Employees may not order or purchase any materials or supplies on their own unless paid for personally. Any questions regarding ordering should be directed to the Director of Business and Personnel Services.

Special Considerations for Purchase Requisitions

Open Accounts /Purchase Orders

Open accounts/open purchase orders will be established to provide for pre-approved and reoccurring expenditures through the same vendor(s) over a set period of time. In addition, open accounts/open purchase orders are put in place as a convenience to minimize repetitive purchasing procedures. Establishing open accounts and open purchase orders requires the submission of a Purchase Order Requisition form.

Rush/Emergency Purchase Requests

If an emergency situation arises where an on-the-spot purchasing decision must be made, a verbal approval must be granted by the Business and Personnel Services Manager or the Superintendent. The Business Office will verify adequate funding is available, and will process the purchase. The originator/teacher will be required to submit a completed and signed Purchase Order Requisition form in order to complete the process.

Petty Cash

The ROP Business Services Office will maintain a limited Petty Cash Fund. Petty Cash is to be used for emergencies only. Any purchase that could have been made using an existing Purchase Order will not be refunded. Detailed receipts, including the vendor's name, date and description of purchases, are required for reimbursement as well as a justification for the emergency. Expenditures of Petty Cash may not exceed \$50 per month. Receipts must be submitted during the current fiscal year and within 60 days of the purchase date. Given the limited amount of funds maintained in the Petty Cash Fund, reimbursements may take at least 30 days to process.

Business and Non-Instructional Operations

Expenditures and Purchases

Associated Student Body Account Purchases

Because funds in ASB accounts are generated by student club/organization fundraising events and other means, TVROP follows the policies and procedures outlined in the Fiscal Crisis & Management Assistance Team (FCMAT) manual and the ASB Manual, which are provided to all ASB Advisors who also receive annual training.

Purchase Order Requisitions must be submitted and approved prior to making purchases using Associated Student Body (ASB) funds. In addition, all Purchase Order Requisitions must be numbered in numerical order.

Examples of Allowable Purchases

- a. Magazines and newspaper subscriptions for student use
- b. Playground equipment
- c. Library books
- d. Supplemental equipment for student use that is not normally provided by the ROP
- e. Field trips/excursion
- f. Costs for student social events
- g. Scholarships
- h. Awards

Examples of Prohibited Purchases

- a. Salaries or supplies normally provided by the ROP
- b. Repair and maintenance of ROP-owned facilities and equipment
- c. Article for the personal use of ROP employees
- d. Expenses for faculty meeting, such as refreshments for staff meetings
- e. Expenses for parent-teacher organizations
- f. Large awards
- g. Gifts of any kind
- h. Employee appreciation medals
- i. Employee clothing/attire
- j. Donations
- k. Cash awards to anyone (because internal controls cannot be established and documented)

Questions to ask when deciding if the expense is allowable

- a. Will the expenditure be used to promote the general welfare, morale and educational experience of students?
- b. Have students agreed to the expenditure prior to it occurring?
- c. Is this expenditure a responsibility of the ROP?
- d. Has your Associated Student Body (ASB) account or the ROP paid for this in the past?

Business and Non-Instructional Operations

Expenditures and Purchases

- e. Is your ASB being asked to pay for this because the ROP is making a budget cut?
- f. Is this something the ROP should provide, or is it really an “extra” that the students want?
- g. Who will be using the item?

The FCMAT Manual that defines regulations for ASB accounts is specific with regard to acceptable spending practices and accounting procedures. Staff should contact the TVROP Business and Personnel Services Office if they have any questions.

General Purchasing Information

All Purchase Order Requisitions for instructional-related equipment, textbooks and software require approval from the employee’s immediate supervisor prior to being submitted to the Business and Personnel Services Office for approval and processing.

Most purchase requests will be for instructional materials. The definition of instructional materials in Education Code Section 60010 (h) states, "instructional materials means all materials that are designed for use by pupils and their teachers as a learning resource and help pupils acquire facts, skills, or opinions or develop cognitive processes. Instructional materials may be printed or non-printed, and may include textbooks, technology-based materials, other educational materials, and tests." This includes web-based and electronic textbooks. Expendable instructional materials usually have a useful value between one and two years.

Textbooks

A textbook is a teaching tool which presents the subject matter defined by the curriculum, is integral to the program, and is required for the instruction of all students to contain the complete overview of the subject, including the theories, as well as to be more permanent/nonexpendable.

All new textbooks must be evaluated for relevance to the curriculum using the TVROP Textbook Evaluation form, available from the ROP website or the ROP office. The textbook request must also be reviewed and approved by the program Advisory Board, be made available for public review, and receive final approval from the TVROP Joint Powers Governing Board. New editions of existing textbooks for permanent classroom use that had prior JPGB approval do not need to be reapproved if the current textbooks have been in use for at least four years.

High school students must sign out books that are permitted to be taken home.

Business and Non-Instructional Operations

Expenditures and Purchases

All textbooks and workbooks used by “adult” students must be purchased by the adult. Exceptions will be made for verifiable income hardships only. All incoming checks and cash for books must be received and receipted by the staff member. The money and copies of receipts must be forwarded to the ROP Business Services Office by the last business day of the week, which will retain copies of the receipts. When the Business Services Office receives the money, a confirmation receipt will be sent to the program staff member. This process protects the integrity of staff that processes incoming money.

Textbook purchase requests should be planned and a Purchase Order Requisition must be submitted by May 15 for implementation for the beginning of the next school year. This timeline allows for textbook purchases to be incorporated into the budget for the next school year and approved by the Tri-Valley ROP Joint Powers Governing Board.

Software

Computer software must meet the goals of the approved curriculum.

Software and licenses will be managed by the Director of Business and Personnel Services.

New software will be installed before the beginning of the school year. Instruction with new software or upgrades will be implemented at the start of the school year and not mid-year.

Software purchase requests should be planned and a Purchase Order Requisition must be submitted by May 15th for implementation for the beginning of the next school year. The software deadline of May 15th was established so software purchases can be incorporated into the budget for the next school year and approved by the Tri-Valley ROP Joint Powers Governing Board.

Procedures for Submitting Purchase Order Requests

Purchase Order Requisition forms and instructions are available on the Tri-Valley ROP website “Staff Only” section, “Forms” link. The Purchase Order Requisition form was created in Microsoft Excel so it is easy to use and self-calculating. Use a separate Purchase Order Requisition for each vendor.

To expedite the Purchase Order requisition process, simply complete the form, “save as” a new document for your records, and email it to your immediate supervisor (with the subject line “PO Requisition”) with a copy to the Business and Personnel Services Manager.

Business and Non-Instructional Operations

Expenditures and Purchases

Information on the Purchase Order Requisition must include the following:

- a. Vendor name and address
- b. Telephone and fax numbers
- c. Contact representative name with e-mail address
- d. Itemized list of products requested with model numbers, order numbers and prices
- e. Shipping fees, if known.
- f. Date items are needed
- g. Originator/teacher contact information
- h. Identify the program or class the purchase(s) will benefit.

When submitted a requisition form via email, the employee's signature is not required on the form. When the request is received, a representative of the Business and Personnel Services Office will verify that the funds are available according to your budget for the requested materials, supplies or services. Upon verification that adequate funds exist, the Business and Personnel Services Office will place the order, and you will be notified by email that the order has been placed.

Unless other arrangements have been pre-approved, all orders will be delivered to the ROP office. Do not request orders to be delivered to your classroom or home address.

Upon receipt of equipment orders (including computers), a Business Services Office designee will log the item(s) on to your classroom inventory record sheet. You will be notified when the items you requested are ready for pick-up at the ROP office.

Business and Noninstructional Operations

Bids

In order to ensure transparency and the prudent expenditure of public funds, the Governing Board shall award contracts in an objective manner and in accordance with law. District equipment, supplies, and services shall be purchased using competitive bidding when required by law or if the Board determines that it is in the best interest of the district to do so.

When the Board has determined that it is in the best interest of the district, the district may piggyback onto the contract of another public agency or corporation to lease or purchase equipment or supplies to the extent authorized by law. (Public Contract Code 20118)

Bid specifications shall be carefully designed and shall describe in detail the quality, delivery, and service required.

To assist the district in determining whether bidders are responsible, the Board may require prequalification procedures as allowed by law and specified in administrative regulation.

Legal Reference: (next page)

Business and Noninstructional Operations

Bids

Legal References:

EDUCATION CODE

- 17595 Purchases through Department of General Services
- 38083 Purchase of perishable foodstuffs and seasonable commodities
- 38110-38120 Apparatus and supplies
- 39802 Transportation services

GOVERNMENT CODE

- 4330-4334 Preference for California-made materials
- 6252 Definition of public record
- 53060 Special services and advice
- 54201-54205 Purchase of supplies and equipment by local agencies

PUBLIC CONTRACT CODE

- 1102 Emergencies
- 2001-2001 Responsive bidders
- 3002 Roofing projects
- 3400 Bids, specifications by brand or trade name not permitted
- 3410 United States produce and processed foods
- 6610 Bid visits
- 12200 Definitions, recycled goods, materials and supplies
- 20103.8 Award of contracts
- 20107 Bidder's security
- 20111-20118.4 Contracting by school districts
- 20189 Bidder's security, earthquake relief
- 22002 Definition of public project
- 22030-22045 Alternative procedures for public projects (UPCCAA)
- 22050 Alternative emergency procedures
- 22152 Recycled product procurement

COURT DECISIONS

- Marshall v. Pasadena USD, (2004) 119 Cal.App.4th 1241
- Konica Business Machines v. Regents of the University of California, (1988) 206 Cal.App.3d 449
- City of Inglewood-Los Angeles County Civic Center Authority v. Superior Court, (1972) 7 Cal.3d 861

ATTORNEY GENERAL OPINIONS

- 89 Ops.Cal.Atty.Gen. 1 (2006)

Policy

Adopted: September 14, 2011

TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM

Livermore, CA

Business and Noninstructional Operations

Bids**Advertised/Competitive Bids**

The district shall seek competitive bids through advertisement for contracts involving an expenditure of \$15,000 or more for a public project. Public project means construction, reconstruction, erection, alteration, renovation, improvement, painting, repainting, demolition, and repair work involving a district owned, leased, or operated facility. (Public Contract Code 20111, 22002)

The district shall also seek competitive bids through advertisement for contracts exceeding the amount specified in law, and as annually adjusted by the Superintendent of Public Instruction, for any of the following: (Government Code 53060; Public Contract Code 20111)

1. The purchase of equipment, materials, or supplies to be furnished, sold, or leased to the district
2. Services, not including construction services or special services and advice in accounting, financial, legal, or administrative matters
3. Repairs, including maintenance that is not a public project

Maintenance means routine, recurring, and usual work for preserving, protecting, and keeping a district facility operating in a safe, efficient, and continually usable condition for the intended purpose for which it was designed, improved, constructed, altered, or repaired. Maintenance includes, but is not limited to, carpentry, electrical, plumbing, glazing, and other craft work designed to preserve the facility, as well as repairs, cleaning, and other operations on machinery and other permanently attached equipment. This definition does not include, among other types of work, janitorial or custodial services and protection provided by security forces, nor does it include painting, repainting, or decorating other than touchup. (Public Contract Code 20115)

Unless otherwise authorized by law, contracts shall be let to the lowest responsible bidder who shall give such security as the Governing Board requires, or else all bids shall be rejected. (Public Contract Code 20111)

When letting a contract for the procurement and/or maintenance of electronic data processing systems and supporting software, the Board may contract with any one of the three lowest responsible bidders. (Public Contract Code 20118.1)

Business and Noninstructional Operations

Bids

The Board shall secure bids pursuant to Public Contract Code 20111 and 20112 for any transportation service expenditure of more than \$10,000 when contemplating that such a contract may be made with a person or corporation other than a common carrier, municipally owned transit system, or a parent/guardian of students who are to be transported. The Board may let this contract to other than the lowest bidder. (Education Code 39802)

No work, project, service, or purchase shall be split or separated into smaller work orders or projects for the purpose of evading the legal requirements of Public Contract Code 20111-20118.4 for contracting after competitive bidding. (Public Contract Code 20116)

Instructions and Procedures for Advertised Bids

The Superintendent or designee shall call for bids by placing a notice at least once a week for two weeks in a local newspaper of general circulation published in the district, or if no such newspaper exists, then in some newspaper of general circulation circulated in the county. The Superintendent or designee also may post the notice on the district's web site or through an electronic portal. The notice shall state the work to be done or materials or supplies to be furnished and the time and place and web site where bids will be opened. The district may accept a bid that has been submitted electronically or on paper. (Public Contract Code 20112)

The notice shall contain the time, date, and location of any mandatory prebid conference, site visit, or meeting. The notice shall also detail when and where project documents, including final plan and specifications, are available. Any such mandatory visit or meeting shall not occur within a minimum of five calendar days of the publication of the initial notice. (Public Contract Code 6610)

Bid instructions and specifications shall include the following requirements and information:

1. All bidders shall certify the minimum, if not exact, percentage of post-consumer materials in products, materials, goods, or supplies offered or sold. (Public Contract Code 22152)
2. All bids for construction work shall be presented under sealed cover and shall be accompanied by one of the following forms of bidder's security: (Public Contract Code 20107, 20111)
 - a. Cash
 - b. A cashier's check made payable to the district
 - c. A certified check made payable to the district

Business and Noninstructional Operations

Bids

- d. A bidder's bond executed by an admitted surety insurer and made payable to the district

The security of unsuccessful bidders shall be returned in a reasonable period of time, but in no event later than 60 days after the bid is awarded. (Public Contract Code 20111)

3. When a standardized proposal form is provided by the district, bids not presented on the standard form shall be disregarded. (Public Contract Code 20111.5)
4. Bids shall not be accepted after the advertised bid opening time, regardless of whether the bids are actually opened at that time. (Public Contract Code 20112)
5. When two or more identical lowest or highest bids are received, the Board may determine by lot which bid shall be accepted. (Public Contract Code 20117)
6. If the district requires that the bid include prices for items that may be added to or deducted from the scope of work in the contract, the bid solicitation shall specify which one of the following methods will be used to determine the lowest bid. In the absence of such a specification, only the method provided in item #a below shall be used. (Public Contract Code 20103.8)
 - a. The lowest bid shall be the lowest total of the bid prices on the base contract without consideration of the prices on the additive or deductive items.
 - b. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that were specifically identified in the bid solicitation as being used for the purpose of determining the lowest bid price.
 - c. The lowest bid shall be the lowest total of the bid prices on the base contract and those additive or deductive items that, when taken in order from a specifically identified list of those items in the solicitation, and added to or subtracted from the base contract, are less than or equal to a funding amount publicly disclosed by the district before the first bid is opened.

The lowest bid shall be determined in a manner that prevents any information that would identify any of the bidders or proposed subcontractors or suppliers from being revealed to the district before the ranking of all bidders from lowest to highest has been determined. (Public Contract Code 20103.8)

Business and Noninstructional Operations

Bids

7. Any subsequent change or alteration of a contract shall be governed by the provisions of Public Contract Code 20118.4.
8. After being opened, all submitted bids become public records pursuant to Government Code 6252 and shall be made available for review pursuant to law, Board policy, and administrative regulation.

Rather than seek competitive bids, the Board may use competitive negotiation when it makes a finding that a district procurement is for computers, software, telecommunications equipment, microwave equipment, or other related electronic equipment and apparatus. Competitive negotiation shall not be used to contract for construction or for the procurement of any product that is available in substantial quantities to the general public. (Public Contract Code 20118.2)

The competitive negotiation process shall include, but not be limited to, the following requirements: (Public Contract Code 20118.2)

1. The Superintendent or designee shall prepare a request for proposals (RFP) that shall be submitted to an adequate number of qualified sources, as determined by the district, to permit reasonable competition consistent with the nature and requirement of the procurement.
2. Notice of the RFP shall be published at least twice in a newspaper of general circulation, at least 10 days before the date for receipt of the proposals.
3. The Superintendent or designee shall make every effort to generate the maximum feasible number of proposals from qualified sources and shall make a finding to that effect before proceeding to negotiate if only a single response to the RFP is received.
4. The RFP shall identify all significant evaluation factors, including price, and their relative importance.
5. The Superintendent or designee shall provide reasonable procedures for the technical evaluation of the RFPs received, the identification of qualified sources, and the selection for the award of the contract.
6. The Board shall award the contract to the qualified bidder whose proposal meets the evaluation standards and will be most advantageous to the district with price and all other factors considered.

Business and Noninstructional Operations

Bids

7. If the Board does not award the contract to the bidder whose proposal contains the lowest price, then the Board shall make a finding setting forth the basis for the award.
8. The Board, at its discretion, may reject all proposals and request new RFPs.
9. Provisions in any contract concerning utilization of small business enterprises that are in accordance with the RFP shall not be subject to negotiation with the successful proposer.

Bids Not Required

Without advertising for bids and upon a determination that it is in the best interest of the district, the Board may authorize by contract, lease, requisition, or purchase order, another public corporation or agency to lease data-processing equipment or to purchase materials, supplies, equipment, automotive vehicles, tractors, and other personal property for the district in the manner that the other public corporation or agency is authorized to make the leases or purchases from a vendor ("piggyback"). (Public Contract Code 20118)

Alternatively, if there is an existing contract between a public corporation or agency and a vendor for the lease or purchase of personal property, the district may authorize the lease or purchase of personal property directly from the vendor by contract, lease, requisition, or purchase order and make payment to the vendor under the same terms that are available to the public corporation or agency under the contract. (Public Contract Code 20118)

Supplementary textbooks, library books, educational films, audiovisual materials, test materials, workbooks, instructional computer software packages, or periodicals may be purchased in any amount without taking estimates or advertising for bids. (Public Contract Code 20118.3)

Perishable commodities, such as foodstuffs, needed in the operations of cafeterias may be purchased through bid or on the open market. (Education Code 38083)

In an emergency when any repairs, alterations, work, or improvement to any school facility is necessary to permit the continuance of existing school classes or to avoid danger to life or property, the Board may, by unanimous vote and with the approval of the County Superintendent of Schools, contract for labor and materials or supplies without advertising for or inviting bids or may authorize the use of day labor or force account for the emergency purpose. (Public Contract Code 20113)

Business and Noninstructional Operations

Bids

Bids shall also not be required for day labor under circumstances specified in Public Contract Code 20114. Day labor shall include the use of maintenance personnel employed on a permanent or temporary basis. (Public Contract Code 20114)

Sole Sourcing

In any contract for the construction, alteration, or repair of school facilities, the Superintendent or designee shall not draft the bid specification in a manner that, either directly or indirectly, limits bidding to any one specific concern or calls for a designated material, product, thing, or service by a specific brand or trade name, unless the specification designating the specific material, product, thing, or particular brand name is followed by the words "or equal" so that bidders may furnish any equal material, product, thing, or service.

In such cases, the bid specification shall provide a time period, before and/or after the award of the contract, for the contractor to submit data substantiating the request for substituting the designated material, product, thing, or service. If no such time period is specified, the contractor may submit the data within 35 days after the award of the contract. (Public Contract Code 3400)

However, the Superintendent or designee may designate a specific concern, material, product, thing, or service by brand or trade name (sole sourcing), if the Board has made a finding, described in the invitation for bids or RFP, that a particular material, product, thing, or service is designated for any of the following purposes: (Public Contract Code 3400)

1. To conduct a field test or experiment to determine its suitability for future use
2. To match others in use on a particular public improvement that has been completed or is in the course of completion
3. To obtain a necessary item that is only available from one source
4. To respond to the Board's declaration of an emergency, as long as the declaration has been approved by four-fifths of the Board when issuing the invitation for bid or RFP

Prequalification Procedure

For any contract for which bids are legally required, the Board may require that each prospective bidder complete and submit a standardized questionnaire and financial statement. For this purpose, the Superintendent or designee shall supply a form which requires a complete statement of the bidder's financial ability and experience in performing public works. The information shall be verified under oath in the manner in which civil law pleadings are verified.

Business and Noninstructional Operations

Bids

The questionnaires and financial statements shall not be public records and shall not be open to public inspection. (Public Contract Code 20111.5)

Prospective bidders shall submit the questionnaire and financial statement at least five days before the date fixed for public opening of sealed bids. (Public Contract Code 20111.5)

The Superintendent or designee shall establish a uniform system for rating bidders on the basis of completed questionnaires and financial statements in order to determine the size of contracts on which each bidder is qualified to bid. Bidders must be deemed prequalified by the district at least one day before the fixed bid-opening date. (Public Contract Code 20111.5)

The district may establish a procedure for prequalifying bidders on a quarterly basis and may authorize that prequalification be considered valid for up to one calendar year following the date of the initial prequalification. (Public Contract Code 20111.5)

Protests by Bidders

A bidder may protest a bid award if he/she believes that the award is inconsistent with Board policy, the bid's specifications, or is not in compliance with law. A protest must be filed in writing with the Superintendent or designee within five working days after receipt of notification of the contract award. The bidder shall submit all documents supporting or justifying the protest. A bidder's failure to file the protest documents in a timely manner shall constitute a waiver of his/her right to protest the award of the contract.

The Superintendent or designee shall review the documents submitted with the bidder's claims and render a decision in writing within 30 working days. The Superintendent or designee may also convene a meeting with the bidder in order to attempt to resolve the problem.

The bidder may appeal the Superintendent or designee's decision to the Board. The Superintendent or designee shall provide reasonable notice to the bidder of the time for Board consideration of the protest. The Board's decision shall be final.

Business and Non-Instructional Operations

ROP STAFF-VENDOR RELATIONSHIPS

All vendor representatives shall have a hearing relative to their products. Subsequent visits shall be promptly acknowledged and interviews granted or not, depending upon the circumstances. Personnel shall not be required to put their time absolutely and indiscriminately at the disposal of all salespeople, however frequent, at whatever time, or on whatever mission they may be calling. The staff member shall use his/her discretion with regard to interviews but shall not be relieved of his/her obligations of courtesy.

Salespeople shall not be permitted to make personal calls at individual departments without the approval of the Superintendent or a designee. Technical information obtained from sales representatives shall be forwarded to the administrative office for inclusion in specifications for purchasing.

No staff member shall commit himself/herself or the ROP in interviews with salespeople, directly or by implication, as to acceptance of any product or give any information regarding the ROP's source of supply, price or performance of any product.

The ROP shall not extend favoritism to any vendor, other than to give preference to local vendors in the case of identical bids. Each order shall be placed on the basis of quality of product or service, price and delivery or performance, with past service being a deciding factor if all other considerations are equal.

All letters, wires and other types of communication shall be answered or acknowledged promptly.

It shall be the duty of staff to visit vendors as necessary to discuss products, service and ROP staff-vendor relationships.

Vendors shall not make substitutions or price adjustments without prior approval.

The ROP staff shall not solicit or accept donations of funds or materials from vendors for personal gain.

**Policy
Adopted :**

**TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM
Livermore, California**

PAYING FOR GOODS AND SERVICES

The business office of the ROP shall be responsible for receiving and checking invoices of goods received by the ROP. All warrants will be prepared by the business office of the contracted entity and must be approved by the Board at such times as are stipulated in approved Administrative Regulations.

Services rendered the ROP shall be paid for by issue of warrants drawn on the funds of the ROP.

PAYROLL

Salaries for full-time employees, together with hourly rates for part-time employees, shall be approved by the Governing Board. The business office of the contracted entity shall be responsible for preparing and checking payroll for County approval and for distributing warrants to employees as agreed to under contract.

REIMBURSABLE EXPENSES

Purpose

The purpose of this policy is to provide for the payment of the actual and necessary expenses, including traveling expenses, of any employee of the ROP incurred in the course of performing services for the ROP, whether within or outside the ROP, at the direction of the Board

Services for the ROP

This policy is applicable to the following services:

1. Attendance by an employee at any convention or conference.
2. Visitation by an employee to another school or ROP.
3. Performance by an employee of similar services, where the purpose of such attendance or visitation or performance of similar services is for the discussion or observation of any school matter appertaining to the duties of the employee or any question of interest to the ROP. This policy is limited in its application to services directed by the Board or by the Superintendent pursuant to paragraph D.

Actual and Necessary Expenses

The term "actual and necessary expenses" shall include but not be limited to the following:

1. Mileage allowances at the ROP established rate
2. Transportation, including airfare, automobile rentals, taxi and bus fares
3. Parking fees and bridge tolls
4. Meals and non-alcoholic beverages
5. Lodging
6. Business-related telephone charges, specifically excluding personal calls

Expenses covered by this policy shall be limited to expenses which are reasonably necessary in the course of attending conventions or conferences, visiting schools or performing similar services as provided in paragraph B.

REIMBURSABLE EXPENSES

Direction by the Board or Superintendent

This policy applies to services directed by the Board.

This policy also applies to services authorized by the Superintendent , to whom the Board hereby delegates the authority to perform all powers described in this policy.

Manner of Payment

Expenses which are payable by the Board under this policy may be paid as follows:

1. Expenses paid by an employee shall be submitted for reimbursement on the approved Conference Authorization/Reimbursement form. Payment of employee expenses through the use of Purchase Orders is also authorized.
2. Expenses may be directly paid by the ROP, upon direction of the Board or Superintendent. Expenses which may be directly paid by the ROP shall include, but are not limited to, providing (a) refreshment beverages such as coffee, and (b) sustenance such as ROP provided meals for participants in a conference or workshop which is directly related to the employment duties of ROP employees (e.g., for instructors and classified attendees at inservice training conferences), where the Board or Superintendent determines that the providing of such items is a justifiable expense of conducting the event.

TRAVEL AND CONFERENCE PROCEDURES FOR EMPLOYEES, OFFICIALS OR AGENTS**Purpose and Philosophy**

The purpose of this policy is to establish procedures for authorization of travel by TVROCP employees, officials, or agents who may be required to travel in fulfilling their official duties or in attending seminars, conferences or other professional or educational activities that benefit the TVROCP.

Applicability

This policy applies to:

1. Conferences, conventions and TVROCP business events which charge registration fees and are held within the District, within the state of California, or outside the state of California.
2. All TVROCP employees, officials, or agents who travel on TVROCP related business, regardless of which entity funds the travel expense.

This policy does not apply to:

1. Registration fees for professional development when hours and/or credits earned are used for advancement on the salary schedule
2. Those who act as supervisors and chaperones for students participating in an extended travel experience. Such travel is subject to the guidelines set forth in this Board Policy and TVROCP Administrative Regulation AR 3370.
3. Presenters who are contracted to travel to the TVROCP to train employees on TVROCP partner premises. Purchase orders or contractual agreements are to be used to retain the services of such presenters.

General Policy Information

It is the general intent of the Governing Board to fund or reimburse employees, officials, or agents for actual travel expenses that are approved through the TVROCP travel request process. Travel expenses related to pre-allocated budget allowances will be reimbursed up to the amount of the budget allotment. Reimbursements enumerated in this policy and regulation are intended to pay for job-related employee, official, or agent expenses only.

TRAVEL AND CONFERENCE PROCEDURES FOR EMPLOYEES, OFFICIALS OR AGENTS

This policy applies to all employees, officials, or agents for travel to conferences, conventions and travel undertaken for the execution of TVROCP business. This includes, but is not limited to:

1. travel requiring an overnight stay;
2. conventions and conferences when no overnight stay is required; and
3. events held within the TVROCP boundaries that are conducted by a person or entity other than TVROCP or Joint Powers Agency (JPA) Districts.

This travel policy does not permit employees', officials', or agents' family members, friends or other travel companions to take trips that are funded or processed in any way by TVROCP funds. All travel expenses of family members, friends, or other travel companions must be paid directly from the personal financial resources of the employee, official, or agent without being intermingled with TVROCP financial transactions.

All travel will be requested and approved through the TVROCP travel request and approval process. Payments will not be paid without approval prior to incurring any expense. Hours and/or credits earned shall not be used for advancement on the salary schedule for professional development when registration fees are paid by TVROCP.

TRAVEL AND CONFERENCE PROCEDURES FOR EMPLOYEES, OFFICIALS OR AGENTS**Travel Request Process**

All travel will be requested and approved through the TVROCP travel request process using the Request for Conference/Expense/Conference Leave form. Payments will not be paid without approval prior to incurring any expense. Hours and/or credits earned shall not be used for advancement on the salary schedule for professional development when registration fees are paid by TVROCP.

Travelers are responsible for submitting their own travel requisition to their supervisor, for approval using the Request for Conference/Expense/Conference Leave form.

All travel requests will be approved, at a minimum, by the designated supervisor and the Superintendent's designee. Selected travel requests, including but not limited to out-of-state travel, may require further approval. All approvals will be granted through the TVROCP travel request process using the Request for Conference/Expense/Conference Leave form.

Do NOT make any travel reservations that cannot be cancelled until final approval of the travel request has been received for the TVROCP Business Services Department.

A travel advance or purchase order will be issued after the Superintendent's designee or Superintendent gives approval.

If a conference is offered by the TVROCP and the expenses related to the conference are paid for with funds for which the TVROCP is the fiscal agent (including schools), a travel request does not have to be submitted. In this instance, the person coordinating the conference for the TVROCP is to compile a list of TVROCP employees, officials, or agents attending the conference along with the associated fees. The list of names and fees should be submitted to the TVROCP Business Services Department for proper accounting of expenditures.

Per diem, ground transfer and mileage rate expenses will be reimbursed at rates dictated by the prevailing travel rates as set forth in the Travel Rate Schedule maintained in the Business Services Department.

When conference expenses will be funded by an entity other than TVROCP, the travel must still be requested and approved through the TVROCP travel request process.

TRAVEL AND CONFERENCE PROCEDURES FOR EMPLOYEES, OFFICIALS OR AGENTS

Payment of Travel Expenses

Travel expenses are to be paid as follows:

1. At the time the travel request is submitted using the Request for Conference/Expense/Conference Leave Form, the request should indicate if a travel advance is required. The estimated amounts for registration, airfare and hotel
2. Purchase orders and/or Conference Expense Claim forms are to be used to pay approved expenses related to conferences or workshops.

Per Diem Expenses

1. Per diem allowance for meals will be paid for all approved travel events that are more than 100 miles from the TVROCP office. Per diem allowance will not be paid by any TVROCP entity for conferences that are less than 100 miles from the TVROCP district office, traveler's work site or home, whichever is less without prior approval from the Superintendent's designee or the Superintendent.
2. Per diem allowance of a maximum of \$59 per day is approved for all days a conference is in session and all additional travel days, when approved through the travel request process.
3. All meals while on travel status for the furtherance of ROP related activities are reimbursable, without documentation, at the following rates (taxes and gratuities included):

Breakfast	\$12.00
Lunch	\$15.00
Dinner	\$32.00

4. Payment for meal expenses will not exceed the rates set in 3.3 above without event documentation of a set meal expense and a receipt for payment.
5. Any meal that is included in the conference registration will be excluded from the allowance. The conference agenda or brochure must be submitted with the Conference Expense Claim.

TRAVEL AND CONFERENCE PROCEDURES FOR EMPLOYEES, OFFICIALS OR AGENTS

Airfare

Airline reservations will be booked at the lowest available coach rate requiring as few transfers as possible.

When a traveler makes unapproved modifications to travel arrangements that result in additional charges, those additional charges will be the responsibility of the traveler.

A traveler's frequent flier mileage account can be credited for official travel. Travelers cannot reject a booking if the lowest available fare is with an airline other than that of which they are frequent flier members.

Charges for change of flights will be the responsibility of the employee unless the change was in the interest of the TVROCP and approved by the Superintendent's designee, or the Superintendent, prior to or after completion of travel.

Ground Transfer Allowance

When air transportation is approved, a ground transfer allowance is provided with documentation for taxi or shuttle service, and parking of personal vehicles at transportation terminals.

Hotel Accommodations

Hotel accommodations are approved for the number of days a conference is in session, less one day. One additional night of hotel accommodations may be approved when an additional travel day is required prior to a conference. A second additional night of hotel accommodations may be approved when an additional travel day is required after the conference concludes.

Hotel accommodations will be secured from a list of hotels provided by the conference sponsor for special lodging rates for participants, or at a daily rate that is reasonable for the area.

A traveler may elect to stay with friends or relatives or use personal adobes, campers or trailers instead of staying in a hotel. When using these kinds of overnight accommodations, the traveler must request and receive approval for alternative lodging and associated expenses prior to approval of the travel request.

AND CONFERENCE PROCEDURES FOR EMPLOYEES, OFFICIALS OR AGENTS

Hotel designation payments will not be paid when hotel accommodations are included as a portion of the conference fees.

Hotel expenses will not be paid by any TVROCP entity for conferences that are less than 100 miles from the TVROCP District office, traveler's work site or home, whichever is less, without prior approval from the Superintendent's designee or the Superintendent.

A traveler must provide hotel with the TVROCP Government Hotel Rate and Transient Occupancy tax exemption letter.

Mileage Reimbursement

Travel of Less than 150 miles

When travelers are approved through the travel request process to drive personal vehicles to a conference that is less than 150 miles from the TVROCP District office, traveler's work site or home, whichever is less, reimbursement is allowed for all round trip miles for each day the traveler is approved to attend the conference.

Travel of More than 150 miles

Reimbursement for use of a private auto beyond 150 miles is limited to the cost of round-trip air fare. When travelers are approved through the travel request process to drive personal vehicles to a conference which is more than 150 miles from the TVROCP District office, traveler's work site or home, whichever is less, the total mileage reimbursement will be an amount which will not exceed the cost of airfare, had it been available and used. When airfare is less than mileage reimbursement, travelers are encouraged to arrange air transportation.

Mileage for work related events is calculated from the TVROCP District office, traveler's work site or home, whichever is less to the destination and back. Reimbursement will be made using the prevailing per-mile reimbursement rate set by the Internal Revenue Service as of July 1 of each school year.

Mileage between worksites is calculated from the traveler's starting work site to his/her ending worksite when travel is required between two worksites. When the traveler has more than two worksites, mileage is calculated from the starting worksite to each consecutive worksite and culminating at the ending worksite. Reimbursement will be made using the prevailing per-mile reimbursement rate set by the Internal Revenue Service as of July 1 of each school year.

TRAVEL AND CONFERENCE PROCEDURES FOR EMPLOYEES, OFFICIALS OR AGENTS

TVROCP travelers driving TVROCP owned vehicles to conferences will not receive mileage reimbursement. When exceptional circumstances require a traveler to expend personal funds for TVROCP vehicle operational expenses, the traveler will be reimbursed through the travel reimbursement process upon presentation of valid expenditure documentation that has been approved by the administrator who approved the conference travel.

Certificated managers holding positions that require travel have the option of receiving a monthly automobile allowance stipend of \$300 or submitting a mileage reimbursement claim form.

Managers who receive an automobile allowance will not receive reimbursement for use of their personal vehicle(s) in furtherance of ROP-related activities with the exception of required travel that exceeds fifty (50) miles from the TVROCP District Office or the manager's home, whichever is less.

Rental Cars

Rental cars are not allowed without prior approval from the Superintendent's designee or the Superintendent. All requests for rental cars must be included in the TVROCP travel request.

When rental cars are approved, only actual documented expenses will be funded or reimbursed by the TVROCP.

Excessive Charges

The TVROCP will not fund any travel expenses that are unrelated to the approved travel purpose. TVROCP travelers will be required to reimburse the TVROCP for travel charges that are unrelated to the travel purpose or which are determined to be excessive.

Travel Expense Reconciliations

All travel expense documentation, such as copies of conference registration and/or brochure, airline ticket, hotel folio, car rental contract, or any documentation incidental to the travel, must be submitted to the TVROCP Business Services Department with a Conference Expense Claim form for reconciliation purposes within thirty (30) days following the conclusion of the conference. If the TVROCP is due to be reimbursed by a traveler, the traveler is expected to include the reimbursement payment with the documentation materials when they are forwarded to the TVROCP Business Services Department.

TRAVEL AND CONFERENCE PROCEDURES FOR EMPLOYEES, OFFICIALS OR AGENTS

Travelers must submit an Affidavit In Lieu of Receipt form when receipts are lost.

If the traveler is due to be reimbursed by the TVROCP, that amount will be paid within fourteen (14) days of receiving valid and reconciling travel documentation materials.

If a traveler fails to document travel expenditures or make reimbursements to the TVROCP for travel expenses within thirty (30) days of the conference ending date, the TVROCP reserves the right to deny payment and deduct the undocumented expenditure amounts and/or the reimbursement amount from the traveler's salary compensation payments without additional notice.

The TVROCP reserves the right to deny payment and deduct the undocumented expenditure amounts and/or the reimbursement amount from the traveler's salary compensation payments without additional notice when travel expenses have not been pre-approved.

Definitions

"Airfare" is defined as the costs incurred by a TVROCP employee, official or agent to obtain common air carrier transportation services in order to participate in approved conferences or conduct TVROCP business.

"Car rental" is defined as use of a non-personal, non-district owned vehicle, for which a rental charge is imposed for use of the vehicle.

"District vehicle transportation" is defined as use of a district-owned vehicle to attend an approved conference or convention or to execute TVROCP business.

"Ground transfer" is defined as the costs related to transporting a traveler to and from airports or transportation terminals, whether by private or public carrier and the costs of parking private vehicles at transportation terminals.

"Hotel accommodation" is defined as the costs of providing overnight lodging (room, tax, and parking only) incident to an approved travel event.

"Mileage reimbursement" is defined as the reimbursement for costs incurred by a TVROCP traveler to transport themselves and/or others in a personal vehicle, other than a rental car or TVROCP vehicle, to an approved conference or convention or to execute TVROCP business.

TRAVEL AND CONFERENCE PROCEDURES FOR EMPLOYEES, OFFICIALS OR AGENTS

“Per diem” is defined as a daily allowance paid to an employee, official, or agent to cover expenses while working away from home.

“Registration” is defined as a fee paid or reimbursed by the TVROCP which registers an employee, official, or agent to attend a conference or event sponsored by another private or public entity.

“Travel” is defined as using ground, sea or air transportation to attend a conference or convention or to execute business that is related to a traveler’s work assignment yet is outside the customary work routine and away from the regular work assignment prescribed by the traveler’s regular contract or work assignment. Travel to such events may or may not require overnight lodging.

“Travel rate schedule” is defined as a schedule, maintained by the Business Services Department and approved by the Superintendent, which delineates reimbursement rates for, but not limited to, per diem, mileage reimbursement and ground transfer.

System of Accounts

A double-entry system of accounting shall be maintained within the ROP for the purpose of recording business transactions of the ROP.

Classification of Expenditures

Proposed expenditures shall be budgeted under, and expenditures shall be charged against, those categories which most accurately describe the purposes for which such monies are to be or have been spent. Wherever appropriate and practicable, salaries of individual employees, expenditures for single pieces of equipment, and the like, shall be prorated under the several categories which most accurately describe the purposes for which such monies are to be or have been spent.

**Policy
Adopted :**

**TRI-VALLEY REGIONAL OCCUPATIONAL CENTER/PROGRAM
Livermore, California**

Periodic Financial Reports

Upon request by the Board, the Director shall furnish financial reports to the Board. Such reports shall contain summary and detailed information of income, expenditures, encumbrances and remaining balances.

The ROP will file interim financial reports as required by Education Code.

The ROP Board shall approve the first, second, interim and annual report, and certify in writing whether or not the ROP is able to meet its financial obligations for the remainder of the fiscal year.

Legal References:

EC 35014
35035

Annual Audit

An audit of the accounts of the ROP shall be made annually by an independent certified public accountant selected by the Board. The audit examination shall be conducted in accordance with generally accepted auditing standards and shall include all funds over which the Board has direct or supervisory control.

An auditor's fee shall be established each fiscal year. The Board, upon recommendation of the Superintendent, shall select an auditor experienced in school and governmental accounting and willing to perform the required services for the established fee.

Operation of Plant

Work schedules shall be devised by the Superintendent or his/her designate to guarantee regular cleaning of ROP buildings and facilities. Every effort shall be made to ensure that adequate heat, light and water shall be supplied to facilitate the instructional program.

Maintenance of Plant

Constant effort shall be made to provide maximum maintenance of buildings, facilities and equipment of the ROP. There shall be procedures established for emergency repairs as well as scheduled plans for the painting, repairing and refurbishing of buildings and facilities.

Food Services

There will be no food service provided for students enrolled in the ROP.

Business and Non-Instructional Operations

Use of Facilities

Use of facilities owned or leased by the ROP can be used for:

1. Instruction
2. Inservice Education
3. Meetings for ROP Staff

Any other use of facilities shall have the written permission of the Superintendent or his/her designate through established administrative regulations.